

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
JULY 12, 2004
2:00 P.M.

The City Council met at the above place and date at approximately 2:09 p.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, and Anthony W. Cobos. Late: Paul J. Escobar at 2:10 p.m. and Vivian Rojas at 2:13 p.m. Absent: Daniel S. Power.

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AGENDA

1. Explanation of procedures to be used for the discussion and action on City Manager Position.
2. The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT
	NEGOTIATIONS

- A. Deliberation on Top Five Candidates Selected by Mercer. (551.074)
- B. Deliberation on Semi-finalists for City Manager Position. (551.074)

The City Council will return to Open Session.

3. Discussion and action on selection of Semi-finalists for City Manager Position.
 4. Public comment on Selection of Semi-finalists for City Manager Position.
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Mr. Edd Fifer, citizen, shared with Council his disbelief that no one locally, in a city of our size, was qualified to be the City Manager. He explained his negative experience on school boards with district superintendents recruited from out of town who did not commit to the El Paso community. He stated that high taxes, water shortage issues, education challenges, need for a tax freeze, are all pressing issues the new city manager will have to deal with, along with the Mayor and Council.

Mr. Carl Robinson, citizen, spoke of his concerns about the salary to be paid to the individual; he also commented on the bag of money school superintendents leave with after a short tenure in El Paso and after never setting down roots in the community; he expressed his belief that the City Manager be committed to El Paso and not just use the position as a career stepping stone.

Ms. Cori Harbour, Attorney for El Paso City Employees Association, said the Association urges the Council to adopt Mercer's findings, secondly they ask that if Council is going to add names to the list, they request it be someone who has extensive planning and financial experience; third she advised that the Association had issues with Interim CAO Jim Martinez. She reiterated the request that Council follow the recommendations of the Mercer group whom the City hired to conduct a professional recruitment.

Mayor Joe Wardy questioned Ms. Harbour as to how many employees are in the Association.

Ms. Harbour answered four hundred. The Mayor pointed out that it is 400 out of over 6,000 total City employees.

Representative Cobos questioned Ms. Harbour as to what kind of issues the employees have had with Mr. Martinez, asking if it were just that Mr. Martinez makes them work.

Ms. Harbour answered Representative Cobos that no, it is obvious that the employees work. She said it had to do with issues that come up before the Civil Service Commission.

Representative Escobar expressed concern that the discussion on these personnel issues may be more appropriate in Executive Session.

Ms. Lisa A. Elizondo, City Attorney, advised that Mr. Martinez would have to be present at the meeting to give his permission to discuss personnel matters affecting him in open session.

Representative Cobos asked Ms. Harbour to name the six finalists recommended by Mercer and tell why she thought they were the best candidates. Ms. Harbour explained that she does not know the names or the qualifications, but it is the Executive Board of the Association who does know and has made the determination that Mercer's recommendations are sound, asking her to present those views for them at today's meeting.

Mr. Alberto Rivas, representative of the Neighborhoods First Associations, asked Council to select someone who is sympathetic to and respectful of the achievements of the neighborhood associations. He asked that budget cutbacks for the neighbor work not be implemented and no rollbacks of the programs be initiated. He asked that if the person selected is a local person or brought from out of town, he/she should be in harmony with the neighborhood associations in his/her city.

Mayor Wardy explained to Mr. Rivas how the City Manager and Mayor and Council would work with the Neighborhood's First Association. He urged Mr. Rivas and others to contact him at home or at City Hall when they have concerns. He reiterated his commitment and Council's to the neighborhood's initiatives program. The Mayor commented that a few people are trying to be negative regarding the neighborhood programs. The Council, he said, has listened to numerous perspectives from neighborhood organizations and those groups have influenced policy at City Hall.

Representative Escobar commented on his frustration about the misinformation, lies and distortions of the truth some people try to disseminate in the neighborhoods to kill certain projects by circulating petitions and other methods that are misleading.

Mr. Rivas stated that he was not trying to be negative; he was trying to protect the integrity of the programs and make sure Council remains committed to them.

Representative Cushing explained that the City Manager will be a tool to execute the policy of Mayor and Council regarding the Neighborhood's First initiatives and he reiterated Council's commitment to the neighborhoods.

Mr. Richard Schecter, citizen, told Council he was speaking as their conscience. He reminded Council they had promised the voters during the Charter election that they would be getting a professional person, a person with experience as a city manager or deputy city manager, and who has a professional designation from a city manager organization. He commented on his concern about the broadening of the job description. He urged Council not to fiddle with the list that Mercer recommended to them.

Ms. Phyllis Rawley, El Paso Empowerment Zone, asked Council to consider candidates who come from a community with an empowerment zone similar to ours.

Representative Cook asked that the audience be told what Council would be doing in Executive Session.

Mayor Wardy asked Ms. Elizondo to explain to the audience. She explained Council would be deliberating on the six candidates that Mercer had approved and to discuss adding or deleting any candidates. She explained actual action on the list would occur in open session.

Representative Austin asked that first the Council Members deal with Item 1 on the agenda. Mayor Wardy asked Mr. Adrian Ocegueda, Executive Assistant to the Mayor, to address that item.

Motion to retire into executive session made by Representative Austin, seconded by Representative Cushing and passed unanimously, on the following items:

- A. Deliberation on Top Five Candidates Selected by Mercer. (551.074)
- B. Deliberation on Semi-finalists for City Manager Position. (551.074)

Motion made by Representative Cobos, seconded by Representative Rojas and passed unanimously for the City Council to come out of Executive Session.

Representative Austin commented on the Council's ability to supply a local perspective to out of town candidates as opposed to their inability to supply experience as city managers. If the Council hires someone with no city manager experience, there will be none to drawn upon. It will serve no good purpose to have the blind leading the blind. She continued that the Council can show deference to our local talent by selecting them as City staff, in department heads, in deputy city managers, but that to do so for the city manager position, absent any experience as a city manager, it is neither the time nor the place.

Representative Cobos pointed out that this is not a motion to select a City Manager, just to interview people. He contended that it does serve a good purpose to interview our local talent pool to show El Pasoans that City government supports El Paso in purchasing and in hiring.

Mr. Schecter asked Representative Cobos if Mercer Group was a local company.

Representative Cook replied that Mercer is a Dallas company.

Mr. Schecter asked if "local area experience" was one of the criteria given to Mercer to evaluate the candidates, factoring into whether or not they were deemed qualified.

The answer was no.

Mayor Wardy pointed out that all of these three candidates had met the minimum qualifications. **Mr. Schecter** restated his question and also cautioned Council to guard against a public perception that the hiring process had been tainted, negating the professional process the Mercer Group had engaged in with their search. He urged Council not to deviate from Mercer's recommendations.

Motion made by Representative Austin, seconded by Representative Cook to accept candidate pool as presented by the Mercer Group.

AYE: Representatives Austin, and Cook

NAY: Representatives Cushing, Lozano, Escobar, Rojas, and Cobos

Motion Failed.

Motion made by Representative Cobos; seconded by Representative Cushing to accept the six finalists as presented by the Mercer Group and to add Jim Martinez, Gerry Mangrum and Bert Diamondstein to the list.

Representative Lozano requested that Edd Fifer be added to the list. Representative Cobos did not accept the amendment.

Representative Austin made a motion, seconded by Representative Cushing and passed unanimously for the City Council to retire into executive session to discuss four candidates: Jim Martinez, Gerry Mangrum, Bert Diamondstein and Ed Fifer and other resumes submitted, under Section 551.074 of the Open Meetings Act.

Representative Cobos made a motion, seconded by Representative Rojas and passed unanimously for the City Council to come out of Executive Session.

Representative Cobos commented on opening up the candidate pool to local talent and on the need to demonstrate Council's sincerity in its commitment to the young and old local professionals.

Representative Cobos made a motion to add Jim Martinez, Gerry Mangrum and Bert Diamondstein to the list.

Representative Cook requested a separate vote on Jim Martinez. Representative Cobos agreed to his suggestion and removed Mr. Martinez's name from the motion.

Representative Austin asked for clarification on possible motions from Representative Cobos.

Ms. Richarda Duffy Momsen, City Clerk, asked for a point of order regarding the motion, made prior to going into Executive Session, remaining on the floor, which had not been retracted: Motion made by Representative Cobos; seconded by Representative Cushing to accept the six finalists as presented by the Mercer Group and to add Jim Martinez, Gerry Mangrum and Bert Diamondstein to the list. Representative Cushing then withdrew his second for that motion.

Motion made by Representative Cobos, seconded by Representative Cushing to accept the six finalists as presented by the Mercer Group and to add Gerry Mangrum and Bert Diamondstein to the list.

AYES: Representatives Cushing, Lozano, Rojas, and Cobos

NAYS: Representatives Austin, Cook, and Escobar

Motion Passed.

Representative Austin commented on Mr. Martinez's experience as a CAO, but lack of experience as a city manager.

Motion made by Representative Cobos; seconded by Representative Cushing to add Jim Martinez to the list of finalists.

AYES: Representatives Cushing, Escobar, and Cobos

NAYS: Austin, Lozano, Cook and Rojas

Motion Failed.

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Motion to adjourn the meeting made by Representative Cushing, seconded by Representative Rojas and passed unanimously at 4:14 p.m.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk